

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application  
Serial No. 76/418739, Published in the  
Official Gazette on February 3, 2004

**BAUSCH & LOMB INCORPORATED**

Opposer,

vs.

**NATIONAL VITAMIN COMPANY, INC.**

Applicant.

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**Opposition No. 91161619**

**AGREED MOTION FOR SUSPENSION OF OPPOSITION PROCEEDINGS**

Opposer, Bausch & Lomb Incorporated, by and through its undersigned attorney(s), pursuant to 37 C.F.R. § 2.117(c) hereby moves for a suspension of this Opposition Proceeding. In support of this motion, Opposer states as follows:

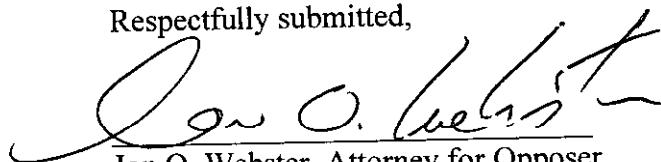
1. On June 7, 2002, Applicant, National Vitamin Company, Inc. filed an application for registration of the trademark MACUVITE ("Applicant's Mark"), Application Serial No. 76/418739.
2. On July 29, 2004, Opposer filed a Notice of Opposition in the above-captioned proceeding (the "opposition Proceeding") opposing the registration of Applicant's Mark.
3. On August 5, 2004, the Board mailed the Notice of Opposition to Applicant and set the respective dates for the parties' discovery and testimony periods.
4. Because Opposer and Applicant are engaged in settlement discussions, and applicant has agreed to provide certain information and materials in connection with Applicant's mark, they have agreed to suspend the Opposition Proceeding for good cause, provided that, if the parties reach an impasse in such settlement discussions, either party shall have the right to resume the Opposition Proceeding by filing a motion requesting such relief and requesting the resetting of new and reasonable dates for the discovery and testimony periods.



09-13-2004

WHEREFORE, Opposer with the consent of Applicant, hereby moves for an order suspending this Opposition Proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jon O. Webster", written over a horizontal line.

Jon O. Webster, Attorney for Opposer  
Bausch & Lomb Incorporated  
One Bausch & Lomb Place  
Rochester, New York 14604  
585-338-8905

Date: September 13, 2004

Corporate Offices

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**TTAB**

**BAUSCH  
& LOMB**

**Jon O. Webster**  
Senior Trademark Counsel

September 13, 2004

VIA EXPRESS MAIL

BOX TTAB  
NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

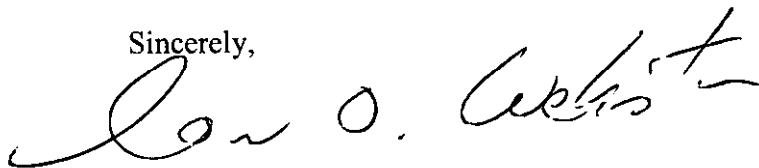
RE: Bausch & Lomb Incorporated vs. National Vitamin Company, Inc.  
Opposition No. 91161619

Dear Commissioner:

Enclosed is an original and two copies of Opposer, Bausch & Lomb Incorporated's  
Agreed Motion for Suspension of Opposition Proceedings in the above-captioned matter.

Thank you for your consideration in this matter.


Sincerely,



Jon O. Webster  
Attorney for Opposer

JOW/kmw  
Encls.

cc: Russell F. Rowen, Esq.


  
09-13-2004  
U.S. Patent & TMO/TM Mail Rpt Dt. #22

**CERTIFICATE OF EXPRESS MAILING**

Express Mailing Label No. EI748249405US

Date of Deposit: September 13, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to "BOX TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 ".

  
Susan C. Stechna

Attachments: **AGREED MOTION FOR SUSPENSION OF OPPOSITION  
PROCEEDINGS (in triplicate)**

**MARK:      MACUVITE**  
**Opposition No. 91161619**

cc:     Russell F. Rowen, Esq.  
         Lerner & Veit, P.C.  
         744 Montgomery St.  
         5<sup>th</sup> Floor  
         San Francisco, CA 94111-2104  
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